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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,802	04/15/2004	Arthur W. Simpson	IPM1.PAU.06	6650

7590 09/09/2005
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EXAMINER

ALIMENTI, SUSAN C

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,802

Applicant(s)

SIMPSON ET AL.

Examiner

Susan C. Alimenti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 12-16, 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (USPN 611,749).

Davis discloses a base having a first end and second end, and a snap bar 3 rotateably coupled and spring biased toward a first rest position at the first end of the base 1. Davis' base further comprises a trigger (Figure 3) pivotally coupled and anchored to the base via a single pivot point 17. The trigger comprises a horizontal trigger portion having a platform 24 and a stem portion 14, and a vertical trigger portion 16. Vertical trigger 16 also comprises a catch 20 for holding the snap bar 3 in an activated position. A bend 15 is disposed in the trigger at a section where the horizontal portion 14, 24, meets the vertical portion 16, and further orients them perpendicularly with respect to one another, i.e. portion 16's planar surface is at substantially a 90 degree angle from portion 14, 24's planar surface. Further bend 15 is located near the pivot point 17.

Regarding claim 13, Davis' device is readable on the limitations of said claim since the thin edges of the vertical trigger portion 16 are also considered "sides" thereof, and said side edges face in both a direction toward a first end and a second end, with the catch 20 facing a second end.

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Regarding claims 23 and 24 the one piece trigger 14, 16, 24 is pivotally coupled to the base 1 at a single point of contact in a non-operative half of the base, where the snap bar 3 acts as a bisecting line and the non-operative portion is defined as the half of the base that the snap bar is not biased toward.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-11 and 17-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied above, and further in view of O'Hara (USPN 5,488,800).

Regarding claims 9 and 17, Davis discloses the claimed invention except he does not utilize an adhesive on the platform 24. O'Hara positively teaches the use of an adhesive coating 10 on the top of platform 7 in order to create a surface tacky enough to cause the animal, intended to be trapped, to stick to the platform when going for the bait. (O'Hara, col.2, lns.49-59) Upon sticking to the platform the animal will more surely trigger the snap mechanism in its attempt to escape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add an adhesive coating to the platform of Davis' device in order to increase the efficiency of the device by raising the trapping accuracy of the device.

Regarding claims 11 and 19, O'Hara does not positively discuss the limitation of a cover over the adhesive material. It would have been an obvious matter of design choice to place some

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kind of covering over the adhesive material in order to preserve it, since it was known in the art that when an adhesive or “sticky” surface is left exposed debris and other material will become affixed thereto, and in a relatively short time the adhesive properties of the surface will become non-functional.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 571-272-6897. The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan C. Alimenti


TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER